

**CITY OF BUTLER
MINUTES OF A MEETING OF THE CITY COUNCIL
MAY 7, 2013**

The Butler City Council met in regular session on Tuesday, May 7, 2013 at 7:00 p.m. in the Council Chambers at City Hall, 22 West Ohio with Mayor Malan presiding. The following Councilmen were present:

ROLL CALL

David Brown	Harold Weil
Brian Phillips	Terry Agnew
Thom Burg	Brian Boyd
Gayle Stark	Doug Wix

OTHERS PRESENT

Others present were City Administrator Mark Arbuthnot, Public Works Director Trent Diehl, City Clerk Mary Jo Cook, Deputy City Clerk Barb Scrogam, City Attorney Tom Addleman, Chief Randy Beshore and Code Officer Jim Wheatley.

OTHER GUESTS

Courtney Wix, Tena Wix, Loretta Gabriel, Kayla McBrayer, Dale Wood, Linn Nitsche, and Tom Rottinghaus were also in attendance.

APPROVE CONSENT AGENDA

Motion by Phillips, seconded by Wix to approve the minutes of the regular session of April 16, 2013 and closed session of April 9, 2013 with an amendment to the April 16, 2013 regular session minutes concerning the vote of relocating Mr. Bearden's turkey and hen. Councilman Wix voted no instead of yes. Motion passed unanimously with a show of hands.
Motion by Burg, seconded by Wix to approve the bills presented for payment. Motion passed unanimously with a show of hands.
Motion by Burg, seconded by Phillips to approve Travel/Training. Motion passed unanimously with a show of hands.

**APPROVAL OF AGENDA-
ADDITIONS OR DELETIONS**

Motion by Wix, seconded by Boyd to add guest Dale Wood to the agenda. Motion passed unanimously by a show of hands.
Motion by Brown, seconded by Wix to add third amendment extension for the purchase agreement with MC Power and to authorize the City Administrator to consider proposals for asbestos inspection for CDBG demo application. Motion passed unanimously by a show of hands.

**SCHEDULED GUEST
KAYLA MCBRAYER BUTLER
SADDLE CLUB PARADE**

Kayla McBrayer, spoke on behalf of the Butler Saddle Club requesting permission to use the square for the Butler Saddle Club Rodeo parade on June 15, 2013 at 12:00 pm. Motion by Phillips, second by Agnew to approve the request. However, if the downtown project is in progress they will have to have an alternative route.

**AUSTIN MOUNT KBRPC
ECONOMIC DEVELOPMENT
POSITION**

Austin Mount, Executive Director for the Kaysinger Basin Regional Planning Commission (KBRPC) was present at the City Council meeting to discuss the proposal that was presented at the April 2, 2013 City Council meeting for a

person to work on economic development for Bates County and the cities located in Bates County. The proposed plan is for this person to be an employee of KBRPC and work with the three cities of Adrian, Butler and Rich Hill on economic development activities. The initial start up budget for this position will be \$50,000 for salary, benefits, travel and miscellaneous expenses. Bates County has agreed to pay \$25,000 and it is proposed that the remaining \$25,000 in funding would be split between the three cities based on population as follows: Adrian-\$5,748, Butler-\$14,467 and Rich Hill-\$4,785. Motion by Phillips, seconded by Burg to proceed contingent funding from Rich Hill and Adrian and on a funding agreement with Bates County to be brought back to council for approval. Motion passed with Boyd voting no.

**DALE WOOD UNSAFE
STRUCTURE**

Dale Wood inquired if and when the City will be demolishing the house at 202 S. Olive St. Council informed Mr. Wood the structure at 202 S. Olive St. is on the list but there are many factors involved in the process and it will take some time before the demolition can take place.

**COMMITTEES
FINANCE COMMITTEE**

Finance Committee met before the regular City Council meeting on Tuesday, May 7, 2013 at 6:00 p.m. to discuss: 1) proposed sewer rate increase and 2) proposed street projects.

PERSONNEL COMMITTEE

Personnel Committee met before the regular City Council meeting on Tuesday, May 7, 2013 at 6:30 p.m. to discuss the process for selecting a new City Administrator with Art Davis, who submitted a proposal, to assist the Mayor and City Council.

**BOARDS & COMMISSIONS
NEIGHBORHOOD ADVISORY
COMMISSION**

Councilman Boyd reported the Neighborhood Advisory Commission met Monday, May 6, 2013 at 7:00 p.m. at City Hall. Boyd informed council a quorum was not present and the next meeting will be Monday May 20, 2013.

**PARK & RECREATION
COMMISSION**

Councilman Boyd reported the Park and Recreation Commission met on Thursday, May 2, 2013 at 12:00 pm at City Hall. Agenda topics included the following: 1) Swimming Pool Operations, 2) 2 on 2 Basketball Tournament, 3) Uniforms, 4) Comets Field, 5) Rebuild – Donations and 6) Superintendents Report. Boyd informed council a quorum was not present. Motion by Phillips, seconded by Burg to purchase uniforms (swim suits) to the pool employees. Motion passed with Wix abstaining.

**PUBLIC HEARING
SEWER RATES**

Mayor Malan opened the public hearing to consider the proposed increase in the sewer fees to be effective on the customer bills that are due on June 10, 2013. There were no questions from the public. Mayor Malan closed the public hearing.

**BILL, ORDINANCES,
RESOLUTIONS AND POLICIES
BILL NO. 2013-11
ORD NO. 972
1ST READING**

Motion by Phillips, seconded by Boyd for the first reading by title only of **BILL NO. 2013-11 ORDINANCE NO. 972 AN ORDINANCE AMENDING THE MONTHLY RATES FOR SEWAGE TREATED BY THE CITY OF BUTLER, MISSOURI**

Motion passed with the following votes:

David Brown-Aye	Harold Weil-Aye
Brian Phillips-Aye	Terry Agnew-Aye
Thom Burg-Aye	Brian Boyd-Aye
Gayle Stark-Aye	Doug Wix-Aye

**BILL NO. 2013-11
ORD NO. 972
2ND READING**

Motion by Brown, seconded by Wix for the second reading by title only of
**BILL NO. 2013-11 ORDINANCE NO. 972
AN ORDINANCE AMENDING THE MONTHLY RATES FOR
SEWAGE TREATED BY THE CITY OF BUTLER, MISSOURI**

Motion passed with the following votes:

David Brown-Aye	Harold Weil-Aye
Brian Phillips-Aye	Terry Agnew-Aye
Thom Burg-Aye	Brian Boyd-Aye
Gayle Stark-Aye	Doug Wix-Aye

**BILL NO. 2013-11
ORD NO. 972
ADOPTION**

Motion by Wix, seconded by Brown to adopt.
**BILL NO. 2013-11 ORDINANCE NO. 972
AN ORDINANCE AMENDING THE MONTHLY RATES FOR
SEWAGE TREATED BY THE CITY OF BUTLER, MISSOURI**

Motion passed with the following votes:

David Brown-Aye	Harold Weil-Aye
Brian Phillips-Aye	Terry Agnew-Aye
Thom Burg-Aye	Brian Boyd-Aye
Gayle Stark-Aye	Doug Wix-Aye

RESOLUTION NO398

Motion by Phillips, seconded by Brown to pass **RESOLUTION NO.398**
RESOLUTION NO.398
A RESOLUTION OF THE CITY OF BUTLER, BATES COUNTY,
MISSOURI, STATING INTENT OT SEEK FUNDING THROUGH THE
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND
AUTHORIZING THE MAYOR/PRESIDING COMMISSIONER TO
PURSUE ACTIVITIES IN AN ATTEMPT TO SECURE FUNDING.

RESOLUTION NO399

Motion by Burg, seconded by Stark to pass **RESOLUTION NO.399**
RESOLUTION NO. 399
A RESOLUTION ESTABLISHING RULES AND REGULATIONS
REGARDING THE USE OF EXCESSIVE FORCE DURING NON-
VIOLENT CIVIL RIGHTS DEMONSTRATIONS, INCLUDING
PHYSICALLY BARRING ASSESS TO A FACILITY OR LOCATION
WHICH IS THE SUBJECT OF SUCH DEMONSTRATION, AND
PROVIDING PENALTIES FOR VIOLATIONS THEREOF, IN THE
CITY OF BUTLER, MISSOURI, AS FOLLOWS

**REPORTS
CITY ATTORNEY**

City Attorney Addleman reported the amnesty program is over and the court received over \$3000.00 in fines. City Attorney Addleman requested Mayor Malan to abate some cases where the individuals are deceased or in the Department of Corrections or have moved out of jurisdiction. Mayor Malan approved the abatements.

CITY ADMINISTRATOR

City Administrator Arbuthnot reported the carport for police vehicles has been installed on the east side of the Police Department.

City Administrator Arbuthnot reported the City Wide Cleanup for residential properties in Butler starts the week of May 6, 2013 north of Ft. Scott Street and the week of May 13, 2013 south of Ft. Scott Street. The City will be

picking up limbs/brush and leaves/grass and Bates County Disposal will be picking up old furniture, appliances, paint, batteries and miscellaneous junk.

City Administrator Arbuthnot reported to council they are invited to attend the ground breaking ceremony for the Butler Solar Energy Farm. To be held on Tuesday May 21, 2013 at 11:00 am.

PUBLIC WORKS DIRECTOR

Public Works Director Diehl informed council he obtained two quotes for 30 lounge chairs for the pool. Public Works Director Diehl requested council to approve the low bid of \$3680.01 to purchase the lounge chairs. Motion by Boyd, seconded by Phillips to approve the purchased of 30 lounge chairs at the low bid. Motion passed unanimously by show of hands.

CODE ENFORCEMENT

Code Enforcement Officer Wheatley gave the code enforcement report.

**MAYOR
COUNCIL MEMBERS**

Mayor Malan informed council of his changes to the council committees.

BROWN

Nothing to report.

PHILLIPS

Nothing to report.

BURG

Nothing to report.

STARK

Nothing to report.

WEIL

Nothing to report.

AGNEW

Nothing to report.

BOYD

Expressed his concerns over properties having utilities on and not being able to put the structures on the demolition list for the grant funding.

WIX

Welcomed his wife Tena and daughter Courtney and informed council he was resigning from council due to purchasing a home in the country and would be moved in a couple of weeks. Wix stated this would be his last council meeting and he has enjoyed working on the council and will miss working with all the councilmen.

**NEW BUSINESS
CHANGE ORDER #1
DOWNTOWN IMPROVEMENT
PROJECT**

Tom Rottinghaus, engineer with HNTB addressed council in regards to the construction of the Downtown Improvement Project and Change Order # 1 for \$29,446.11 that needs to be considered with National Streetscape, the contractor for the project. With City Council approval of the Change Order it will need to be submitted to MoDOT and the Federal Highway Administration for their approval which will delay the official start of the project again. The City would be responsible for 21% of any additional construction costs for the project and the grant will pay 79%. Motion by Phillips, seconded by Burg to approve the Change Order #1. Motion passed with Weil abstaining.

MC POWER SIGN

MC Power has requested permission to erect an off-site sign on City property adjacent to I-49 for the 3 MW Solar Farm. It is recommended for approval contingent on purchase of the City property by MC Power and on approval from MoDOT. Motion by Wix, seconded by Boyd to approve the request form

MC Power to erect an off-site sign on City property. Motion passed unanimously by a show of hands.

**MC POWER PURCHASE
AGREEMENT THIRD
AMENDMENT AGREEMENT**

Motion by Phillips, seconded by Brown to adopt third amendment to the original real estate purchase agreement with MC Power Company, Inc to extend the closing to May 22, 2013. Motion passed unanimously by a show of hands.

ASBESTOS INSPECTION BIDS

Motion to authorize the City Administrator to consider bids submitted on May 9, 2013 for pre-approval of asbestos inspection services for CDBG demolition application of unsafe structures and review and select the lowest and best qualified firm to perform the services. Motion passed unanimously by a show of hands.

ART DAVIS GROUP

Motion by Wix, seconded by Boyd to hire the Art Davis Group to assist the Mayor and City Council in the selection and hiring process for a new City Administrator for a fee of \$11,000.00 plus expenses. Motion passed unanimously by a show of hands.

CLOSED SESSION

Motion by Wix, seconded by Brown to enter into closed session. Legal Actions, and/or Communication from the City Attorney as Provided Under Section 610.021 (1),

David Brown-Aye
Brian Phillips-Aye
Thom Burg-Aye
Gayle Start-Aye

Harold Weil-Aye
Terry Agnew-Aye
Brian Boyd-Aye
Doug Wix-Aye

ADJOURNMENT

There being no further business, motion was made by Wix, seconded by Brown to adjourn the regular meeting. Motion passed unanimously with a show of hands.

Mayor Don H. Malan

ATTEST

Barbara Scrogam
Deputy City Clerk